

SENATE BILL 3158

By Finney L

AN ACT to amend Tennessee Code Annotated, Title 68,
relative to adult care homes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-201, is amended by deleting subdivision (1) and by substituting instead the following:

() “Adult care home” means a single family residence licensed pursuant to this part in which twenty-four-hour residential care, including assistance with activities of daily living, is provided in a homelike environment to no more than five (5) elderly or disabled adults. Adult care homes shall be subject to one (1) of two (2) license categories, Level 1 or Level 2, and meet standards prescribed in this part and in regulations promulgated by the board pursuant to this part. “Adult care home” does not include any facility otherwise licensed by the department of mental health.

SECTION 2. Tennessee Code Annotated, Section 68-11-206(a)(2)(C), is amended by inserting the following immediately after the third sentence of the subdivision:

The board may grant an exception to the one-at-a-time license requirement for Level I adult care homes to licensed nursing facilities, and assisted care living facilities.

SECTION 3. Tennessee Code Annotated, Section 68-11-206(a)(2)(D), is amended by inserting the following at the beginning of the subdivision:

Two (2) levels of license are available for adult care home providers. A Level 1 license allows an adult care home provider to serve elderly or disabled adults requiring assistance with activities of daily living (ADLs) who do not have an illness, disability or injury that requires specialized services or continuous nursing care.

SECTION 4. Tennessee Code Annotated, Section 68-11-206(a)(2)(D), is amended by deleting the last sentence of the subdivision and by substituting instead the following:

The board shall promulgate regulations specifying additional requirements for a Level 1 license and a Level 2 license.

SECTION 5. Tennessee Code Annotated, Section 68-11-206(a)(2), is amended by inserting the following as a new subdivision (E):

(E) Level 1 adult care homes shall not provide care to more than one (1) person who is bedbound. The board may grant an exception to the limit of one (1) resident who is bedbound only if the provider demonstrates to the board by clear and convincing evidence that such exception will not jeopardize the health, safety, welfare or care of all residents and that the provider is capable of meeting the additional care needs of residents who are bedbound and of meeting evacuation standards as specified herein.

SECTION 6. Tennessee Code Annotated, Section 68-11-209(h)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) The board shall promulgate in regulations education, experience and training requirements and continuous education requirements for Level 1 and Level 2 adult care home providers, resident managers, substitute caregivers and staff. These requirements shall be commensurate with the expected responsibilities and care of residents in each applicable setting, and shall be dependent upon the level of licensure. The education, experience and requirements for both Level 1 and Level 2 adult care home providers shall be sufficient to demonstrate competency in caring for residents and the ability to adequately maintain the health, safety and welfare of residents. The board shall develop additional standards for Level 2 adult care home providers that require additional education, training and experience necessary to adequately address the needs of persons with traumatic brain injury or ventilator dependent persons.

SECTION 7. Tennessee Code Annotated, Section 68-11-209(h), is amended by deleting subdivisions (2) and (3) in their entireties and by substituting instead the following:

(2) The rules required under subdivision (h)(1) shall include but not be limited to the following:

(A) A requirement that, before being licensed, a Level 1 adult care home provider shall successfully complete a comprehensive course of training developed or approved by the board for licensing health care facilities, including demonstration and practice in physical caregiving, screening for care and service needs, appropriate care of residents with physical, cognitive and mental disabilities, responding to emergency situations, monitoring changes in medical conditions, nutritional needs, residents' preferences and conflicts, abuse and neglect, issues related to architectural accessibility, and business operations of adult foster homes;

(B) A requirement that a Level 1 adult care home provider pass a competency test before being licensed;

(C) A resident manager for a Level 1 adult care home provider must meet the education, experience, and training requirements of a Level 1 adult care home provider;

(D) A Level 2 adult care home provider serving ventilator dependent residents must hold a current professional license or employ a resident manager who holds a current professional license as a physician, nurse practitioner, registered nurse, licensed rehabilitation professional or licensed mental health professional who is trained and experienced in the care of ventilator dependent residents;

(E) A Level 2 adult care home provider serving residents with traumatic brain injury must hold a current professional license or employ a resident manager who holds a current professional license as a physician, nurse practitioner, registered nurse, licensed rehabilitation professional or licensed mental health professional who is trained and experienced in the care and rehabilitation of residents with traumatic brain injury; and

(F) A substitute caregiver for a Level I adult care home must, at a minimum, have the equivalent of two (2) years' full-time experience providing direct care to adults who are elderly or physically disabled and be oriented to the home and to the residents by the adult care home provider or resident manager, including detailed instructions for caring for each resident in accordance with the resident's plan of care; the location and use of fire extinguishers and demonstration of evacuation procedures; location of residents' records; and location of telephone numbers for the residents' physicians, the adult care home provider and/or resident manager, and other emergency contacts. If left in charge of an adult care home for any period that exceeds forty-eight (48) hours, the board may require the substitute caregiver to meet the education, experience and training requirements of a resident manager. A substitute caregiver for a Level II adult care home for persons who are ventilator dependent must at a minimum hold a current professional license as a physician, nurse practitioner, registered nurse or respiratory therapist who is trained and experienced in the care of ventilator dependent residents and must demonstrate competency in caring for persons who are ventilator-dependent. A substitute caregiver for a Level II adult care home for persons with traumatic brain injury must hold a current professional license as a physician, nurse practitioner, registered nurse,

licensed rehabilitation professional or licensed mental health professional who is trained and experienced in the care and rehabilitation of residents with traumatic brain injury and must demonstrate competency in caring for persons with traumatic brain injury.

(3) The board may in rule set forth exceptions to § 68-11-209(h)(2)(A) and (B) for Level 1 adult care home providers and resident managers who are licensed nurses or physicians, or licensed rehabilitation professionals with at least two (2) years' long-term care experience. The board may also in rule set forth exceptions to § 68-11-209(h)(2)(A) and (B) for Level 2 adult care home providers and resident managers who are licensed nurses or physicians, or licensed rehabilitation professionals with at least two (2) years' long-term care experience.

SECTION 8. This act shall take effect July 1, 2012, the public welfare requiring it.